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STATUTORY INSTRUMENTS

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**2023 No. 624**

**The Service Police (Complaints etc.) Regulations 2023**

**PART 3**

**Complaints etc.**

**CHAPTER 5**

**Investigations and Subsequent Proceedings etc.**

**Notification of determination of form of investigation etc: exceptions**

**67.**—(1) Subject to paragraph (3), the duties imposed on the Commissioner by regulations 32(14), 63(11) and 66(7) do not apply where in the opinion of the Commissioner the non-disclosure of information is necessary for a purpose mentioned in paragraph (2).

(2) The purposes are—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective disciplinary or criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which its non-disclosure—
  - (i) is in the interests of national security;
  - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
  - (iii) is required on proportionality grounds; or
  - (iv) is otherwise necessary in the public interest.

(3) The Commissioner may only conclude that the non-disclosure of information is necessary under paragraph (1) if satisfied that—

- (a) there is a real risk of the disclosure of that information causing an adverse effect; and
- (b) that adverse effect would be significant.

(4) For the purposes of paragraph (2)(b)(iii), the non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.

(5) The Commissioner must consider whether the non-disclosure of information is justified under paragraph (1) in circumstances where—

- (a) that information is relevant to, or may be used in, any actual or prospective administrative action procedures;
- (b) the disclosure of that information may lead to the contamination of the evidence of witnesses during such procedures;
- (c) the disclosure of that information might prejudice the welfare or safety of any third party;
- (d) that information constitutes criminal intelligence.

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**Changes to legislation:** There are currently no known outstanding effects for the The Service  
Police (Complaints etc.) Regulations 2023, Section 67. (See end of Document for details)

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**Commencement Information**

**II** Reg. 67 in force at 19.6.2023, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 67.